

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. LR-4001US  
First Inventor KENT, Marsha  
Title Light Therapy Device  
Express Mail Label No. ER779121245US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Sheets 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition to Make Special.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner

Art Unit:

For CONTINUATION OR DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 39,775 OR ☐ Correspondence address below

Name  
Address  
City State Zip Code  
Country Telephone Fax

Name (Print/Type) Kathy Mojibi Registration No. (Attorney/Agent) 41,409  
Signature *Kathy Mojibi* Date February 17, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number	Not yet assigned.
Filing Date	February 17, 2004
First Named Inventor	Marsha Kent
Examiner Name	Not yet assigned.
Art Unit	Not yet assigned.
Attorney Docket No.	LR-4001 US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2922

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	385
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					385

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
18	-20** = 0	0	
Independent Claims	3	-3** = 0	
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

(Complete (if applicable)) \$555.

Name (Print/Type)	Kathy Mojibi	Registration No. (Attorney/Agent)	41,409	Telephone	323-938-9200
Signature	<i>Kathy Mojibi</i>	Date	2-17-04		

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November 28, 2003

COPY

Russell A. Korn, Esq.  
SUTHERLAND ASBILL & BRENNAN, LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309

RE: Patentability Search  
For: **LIGHT THERAPY DEVICE**  
Your Ref. No.: 19576-0000  
Our Ref. No.: SDA 1031

Dear Russell:

We have completed the patentability search at the U.S. Patent and Trademark Office regarding the above-identified invention. The field of search covered Class 606, subclasses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and Class 607, subclasses 88, 89, 90, 91, 92, 93 and 94. Additionally, a computer database search was conducted on the USPTO systems EAST and WEST. Examiner Linda C. Dvorak in Class 606 (Art Unit 3739) was consulted in confirming the field of search.

The search was directed towards a light therapy device. In particular, the search was directed towards a light therapy device comprising a hand-held, self-contained irradiator that provides light therapy to areas of the body for healing. Generally, the light therapy device comprises a housing, an array of LEDs (containing infrared, red and green lights) mounted on a flexible surface, batteries within the housing for powering the LEDs and circuitry that controls the illumination of the LEDs. The flexible surface that includes the array of LEDs can be attached to the housing or detached from the housing such that the flexible surface can be placed on a body part for light therapy while the housing with the circuitry remains stationary, e.g., remains on a table. The circuitry also may be designed to illuminate certain subsets of the LED array and not others automatically or through user selection. Further, the circuitry may be designed to allow the LEDs to be illuminated in preset sequences, such as in rotational sequences. The search was particularly directed to the detaching of the LED array and the flexible surface from the housing as described in the disclosure. References cited with the disclosure are incorporated by reference.

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Russell A. Korn, Esq.  
November 28, 2003  
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Please note the enclosed documents are listed in numerical order for convenience:

<u>U.S. Patent Number</u>	<u>Inventor(s)</u>
4,907,132	Parker
5,000,752	Hoskin et al.
5,358,503	Bertwell et al.
5,851,225	Lawandy
5,944,748	Mager et al.
5,957,960	Chen et al.
5,997,569	Chen et al.
6,045,575	Rosen et al.
6,063,108	Salansky et al.
6,096,066	Chen et al.
6,221,095	Van Zuylen et al.
6,306,130	Anderson et al.
6,494,900	Salansky et al.
6,497,702	Bernaz
6,596,016	Vreman et al.

  

<u>Published Patent Application</u>	<u>Inventor(s)</u>
2001/0008973	Van Zuylen et al.
2002/0198575	Sullivan
2003/0009205	Biel
2003/0187486	Savage, Jr. et al.

**Brief Description Of The Documents:**

U.S. Patent Number 5,997,569 shows a flexible array of lights for therapy to a body part.

U.S. Patent Number 6,063,108 shows a flexible array of light for therapy to a body part having a controller to specify selected optical parameters.



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For U.S. Patent Number 5,000,752, see column 1, lines 46-59 and claim 3; Patent Number 5,944,748, see column 10, lines 52-54; Patent Number 6,063,108, see column 5, lines 12-13, column 25, line 66 and column 26, line 9; Patent Number 6,221,095, see column 3, lines 48-52, column 4, lines 32-35, column 5, lines 6-9; Patent Number 6,306,130, see column 3, lines 18+ and claim 27; Patent Number 6,494,900, see column 24, lines 18+ and Patent Number 6,497,702, column 3, lines 33-66.

The remaining documents are of general interest for showing other light therapy devices having a flexible and detachable surface.

While the above-noted Examiner was consulted and confirmed our opinion that the most relevant areas for this invention were reviewed, further searching may uncover additional patents. NOTE: The field of search included the most pertinent areas identified by the Examiner and our office as containing relevant patents.

Enclosed are copies of the cited documents and our invoice for services rendered and disbursements for this matter. NOTE: Patent Numbers 6,019,482; 6,602,275 and 6,471,716 provided with the search request have not been included in this report.

As always, if you have any questions regarding this search, please do not hesitate to call us at (703) 413-5000.

Very truly yours,



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TWK/css  
Enclosure

